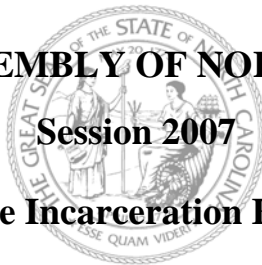


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: House Bill 1696 (First Edition)

SHORT TITLE: Sex Offender Report County to County Move.

SPONSOR(S): Representatives Goforth and Ray

FISCAL IMPACT					
	Yes ()	No (X)	No Estimate Available ()		
	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>
GENERAL FUND	HB 1696 does not materially expand or alter the scope of existing sex offender registration requirements –No fiscal impact;				
Correction					
Recurring					
Nonrecurring					
Judicial					
Recurring					
Nonrecurring					
TOTAL EXPENDITURES:					
ADDITIONAL PRISON BEDS: (cumulative)*					
POSITIONS: (cumulative)					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Department of Correction; Judicial Branch..				
EFFECTIVE DATE:	December 1, 2007				
<i>*This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly, which could also increase the projected prison population and thus the availability of prison beds in future years. The Fiscal Research Division is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.</i>					

BILL SUMMARY:

April 18, 2007

H 1696. SEX OFFENDER REPORT COUNTY TO COUNTY MOVE. Filed 4/18/07. TO REQUIRE A SEX OFFENDER WHO MOVES FROM ONE COUNTY IN THIS STATE TO ANOTHER TO REPORT IN PERSON TO THE SHERIFF OF THE COUNTY TO WHICH THE OFFENDER IS MOVING AS WELL AS TO THE SHERIFF OF THE COUNTY THAT THE OFFENDER IS LEAVING AND PROVIDE THE OFFENDER'S NEW ADDRESS.

Amends GS 14-208.9 (sex offender registration) as title indicates. Effective December 1, 2007.

Source: Bill Digest H.B. 1696 (04/18/0200)

ASSUMPTIONS AND METHODOLOGY:

General

The Sentencing and Policy Advisory Commission prepares prison population projections for each bill containing a criminal penalty. The Commission assumes for such bills that expanding existing, or creating new criminal offenses produces no deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division does not assume deterrent effects for any criminal penalty bill.

Sentencing Commission Analysis

The proposed bill amends G.S. 14-208.9(a) to specify that a registered sex offender moving from one county in North Carolina to another county within the state must appear in person at the office of the Sheriff in their new county of residence to provide written notice of his or her new address within ten days after the change of address.

The Sentencing Commission does not believe this bill creates a new offense or increases the pool of offenders that would be eligible for conviction of a Class F "Failure to Register" offense. Fiscal Research agrees.

G.S. 14-208.11 makes a Class F felony for a person required to register as a sex offender to fail to register. Failure to register under G.S. 14-208.11(a) includes any offender who: „(1) Fails to register as required by this Article_ and „(2) Fails to notify the last registering sheriff of a change of address as required by this Article._ G.S. 14-207(a)(1) **already** requires that a sex offender register in person with „the sheriff of the county where the person resides ‘ [w]ithin 10 days of release from a penal institution or arrival in a county to live outside a penal institution _ (emphasis added).

Therefore a sex offender already has an affirmative duty to register in person with the sheriff of his or her county of residence within 10 days of arriving in the county. **Under current law, the registered offender also must notify the sheriff of the county that he or she is leaving, which sheriff must then forward the notice to the Division. Violation of either of those duties constitutes a failure to register under G.S. 14-208.11(a). The proposed bill does not expand or alter the scope of that offense.**

Department of Correction – Division of Prisons

The chart below depicts the projected inmate population relative to available prison bed capacity system-wide. Capacity projections assume operation at Expanded Operating Capacity,¹ and represent the total number of beds in operation, or authorized for construction or operation as of December 6, 2006. Official

¹ Expanded Operating Capacity (EOC) is: 1) the number of single cells housing one inmate, 2) the number of single cells housing two inmates, and 3) the number of beds in dormitories, allowing between 35 (130% of SOC) and 50 (SOC) square feet per inmate.

Department of Correction capacity projections also assume the General Assembly will fund 500 additional prison beds, generated by partial double-celling of the future Tabor City facility (inmate admission FY 2008-09). However, Fiscal Research does not include these 500 beds in capacity estimates (row two), since these beds have not been authorized for funding.

Based on the most recent population projections and estimated bed capacity, *there are no surplus prison beds available for the five-year fiscal note horizon or beyond.* Therefore, the number of *additional beds needed* (row five) is *always equal to* the projected number of *additional inmates* resulting from a bill (row four). Rows four and five in the chart demonstrate the impact of (bill number). As shown, the Sentencing Commission estimates that this specific legislation will add (total) inmates to the prison system by the end of FY 2011-12.

	<u>June 30 2008</u>	<u>June 30 2009</u>	<u>June 30 2010</u>	<u>June 30 2011</u>	<u>June 30 2012</u>
1. Projected No. of Inmates Under Current Structured Sentencing Act ²	39,621	40,236	41,021	41,848	42,718
2. Projected No. of Available Prison Beds (DOC Expanded Capacity)	38,505	39,353	39,353	39,353	39,353
3. Projected No. of Beds Over/Under Inmate Population	-1,116	-883	-1,668	-2,495	-3,365
4. Projected No. of Additional Inmates Due to this Bill ³	<i>N/A</i>	<i>None</i>			
5. No. of Additional Beds Needed Each Fiscal Year Due to this Bill	<i>N/A</i>	<i>None</i>			

POSITIONS: No positions will be needed to implement H1696.

FISCAL IMPACT BEYOND FIVE YEARS: Fiscal notes examine a bill’s impact over a five-year horizon, through FY 2011-12. However, when information is available, Fiscal Research also attempts to quantify longer-term impacts. Accordingly, the chart below illustrates the projected number of available beds given current conditions; the projected number of additional inmates due to (bill number); and, the estimated number of new beds required each year through FY 2015-16.

	<u>June 30 2013</u>	<u>June 30 2014</u>	<u>June 30 2015</u>	<u>June 30 2016</u>
1. Available Beds (Over/Under) Under Current Structured Sentencing	-4,234	-5,117	-5,996	-6,866
2. Projected No. of Additional Inmates Resulting From <u>(Bill Number)</u>				
3. Estimated No. of New Beds Required Under <u>(Bill Number)</u>		<i>None</i>		

² The Sentencing and Policy Advisory Commission prepares inmate population projections annually. These projections are derived from: historical information on incarceration and release rates under Structured Sentencing; crime rate forecasts by a technical advisory group; probation and offender revocation rates; and the decline (parole and max-outs) of the stock prison population sentenced under prior sentencing acts. Projections were updated in December 2006.

³ Criminal penalty bills effective December 1, 2007 should not affect prison population and bed needs until FY 2008-09, due to the lag time between offense charge and sentencing - 6 months on average. No delayed effect is presumed for the Court System.

Department of Correction – Division of Community Corrections

For felony offense classes E through I and all misdemeanor classes, offenders may be given non-active (intermediate or community) sentences exclusively, or in conjunction with imprisonment (split-sentence). Intermediate sanctions include intensive supervision probation, special probation, house arrest with electronic monitoring, day reporting center, residential treatment facility, and drug treatment court. Community sanctions include supervised probation, unsupervised probation, community service, fines, and restitution. Offenders given intermediate or community sanctions requiring supervision are supervised by the Division of Community Corrections (DCC); DCC also oversees community service.⁴

General supervision of intermediate and community offenders by a probation officer costs DCC \$1.96 per offender, per day; no cost is assumed for those receiving unsupervised probation, or who are ordered only to pay fines, fees, or restitution. The daily cost per offender on intermediate sanction ranges from \$7.71 to \$14.97, depending upon sanction type. Thus, assuming intensive supervision probation – the most frequently used intermediate sanction – the estimated daily cost per intermediate offender is \$14.97 for the initial six-month intensive duration, and \$1.96 for general supervision each day thereafter. Total costs to DCC are based on average supervision length and the percentage of offenders (per offense class) sentenced to intermediate sanctions and supervised probations.

There will be no impact to DCC from HB 1696

Judicial Branch

The Administrative Office of the Courts provides Fiscal Research with a fiscal impact analysis for most criminal penalty bills. For such bills, fiscal impact is typically based on the assumption that court time will increase due to anticipated increases in trials and corresponding increases in workload for judges, clerks, and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

AOC indicated that adding the requirement that a sex offender report in writing on a change of address when moving to a new county could increase violations of Class F “Failure to Register” and thus court costs. FRD believes this is unlikely. Current law already requires reporting address changes in person to the Sheriff. Adding written notice of such a change is unlikely to generate new charges.

SOURCES OF DATA: Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission; and Office of State Construction.

TECHNICAL CONSIDERATIONS: None

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DATE: May 24, 2007



Signed Copy Located in the NCGA Principal Clerk's Offices

⁴ DCC incurs costs of \$0.69 per day for each offender sentenced to the Community Service Work Program; however, the total cost for this program cannot be determined.